



# DEPARTMENT OF TRANSPORTATION

## MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

1369

[49 CFR Parts 171, 173]

[Docket No. HM-22; Notice No. 78-1]

### MATTER INCORPORATED BY REFERENCE

#### Proposed Rulemaking

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The MTB proposes to amend §§171.7(d)(3)(ii) and 173.34(e)(10) of the Hazardous Materials Regulations to permit the use of the updated edition of Compressed Gas Association's (CGA) Pamphlet C-6 for visual inspection of compressed gas cylinders. In addition, the proposed amendments would clarify an inconsistency existing between §§173.34(e)(5) and 173.34(e)(10). It is the intended effect of these amendments to improve procedures in the visual inspection of compressed gas cylinders and to clarify the time requirements for retention of cylinder reinspection and retest records.

DATE: Comments must be received on or before February 10, 1978.

ADDRESS: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, 2100 Second Street SW., Washington, D.C. 20590. It is requested that five copies be submitted.

### FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 Second Street SW., Washington, D.C. 20590, 202-426-0656.

### SUPPLEMENTARY INFORMATION:

The CGA has petitioned the MTB to update §171.7(d)(ii), which incorporates by reference CGA Pamphlet C-6 setting out the standards for visual inspection of compressed gas cylinders, from the referenced 1968 edition to the 1975 edition. The CGA periodically reviews its standards and publishes revisions when clarification, improvement, or addition are necessary. The revisions in the 1975 pamphlet were coordinated with the MTB and it was agreed by the MTB that each of the changes made were necessary. In order for the Hazardous Materials Regulations to contain these necessary revisions, this amendment is being proposed.

The CGA also petitioned to amend §173.34(e)(10) to eliminate inconsis-

tency between that paragraph and paragraph (e)(5) with respect to the length of time cylinder reinspection and retest records are to be retained. Currently, §173.34(e)(10) requires inspection results to be kept as a permanent record, while paragraph (e)(5) does not. This proposed amendment would correct the inconsistency and require the owner or his authorized agent to keep the records until expiration of the retest period or until the cylinder is reinspected or retested.

The primary drafters of this document are Joseph T. Horning, Regulations Development Branch, Office of Hazardous Materials Operations, and George W. Tenley Jr., Office of the Chief Counsel, Research and Special Programs Directorate.

In consideration of the foregoing, it is proposed to amend Parts 171 and 173 of Title 49, Code of Federal Regulations, as follows:

#### §171.7 [Amended]

1. In §171.7 paragraph (d)(3)(ii) would be amended by changing "1968" to read "1975."

2. In §173.34 paragraph (e)(10) would be amended by revising the fourth sentence to read as follows:

§173.34 Qualification, maintenance and use of cylinders.

(e) \* \* \*

(10) \* \* \* Inspections shall be made only by competent persons and the results shall be recorded on a suitable data sheet, the completed copies of which shall be kept in accordance with the requirements of paragraph (e)(5) of this section. \* \* \*

(49 U.S.C. 1803, 1804, 1806, 1808; 49 CFR 1.53(e).)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C., on January 3, 1978.

ALAN I. ROBERTS,  
Director, Office of Hazardous  
Materials Operations.

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